



DATE: January 14, 2011
TO: Board of Water and Soil Resources' Members, Advisors, and Staff
FROM: John Jaschke, Executive Director 
SUBJECT: January 26, 2011 Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 26, 2011, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

COMMITTEE MEETINGS

Metro Water Planning Committee

- Riley Purgatory Bluff Creek Watershed District Revised Watershed Management Plan –**
The District was established in 1969. It is approximately 47 square miles and located in both Hennepin and Carver Counties within the Minnesota River basin. The Watershed Management Plan was filed with the Board on December 14, 2010. The attached draft Order contains a summary of the planning process, the reviewing agencies' comments, and highlights of the Plan. The District offered ample opportunities for LGUs and state agencies to provide upfront input via Board meetings and releasing two preliminary drafts. Numerous comments were received during the review process resulting in some changes to the Plan. The Metro Water Planning Committee met on January 5, 2011, with a presentation on the history and guiding principles of the District and highlights of the implementation section of the revised Plan from two managers and a citizen advisory committee member. After review of the information, the Committee voted unanimously to recommend approval of the Plan by the Board per the attached draft Order.

DECISION ITEM

Northern Water Planning Committee

- Clay County Local Water Management Plan Amendment –** The Northern Water Planning Committee met on October 13, 2010 to review the Clay County Plan Amendment. The Committee stayed action until record of the required public hearing was received. Clay County conducted a public hearing on November 2, 2010, on the proposed Plan amendment. On November 29, 2010, the BWSR received a record of the public hearing. On January 12, 2011, the Northern Water Planning Committee met and reviewed the summary of the public hearing. The Committee voted to recommend approval of the Plan amendment by the Board. See attachments. **DECISION ITEM**

Bemidji	Brainerd	Duluth	Fergus Falls	Marshall	Mankato	New Ulm	Rochester
701 Minnesota Ave., Suite 234 Bemidji, MN 56601 (218) 333-8024	1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	394 South Lake Ave., Room 403 Duluth, MN 55802 (218) 723-4752	1004 Frontier Drive Fergus Falls, MN 56537-2505 (218) 736-5445	1400 East Lyon St., Box 267 Marshall, MN 56258 (507) 537-6060	1160 Victory Drive S., Suite 5 Mankato, MN 56001-5358 (507) 389-1967	261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	2300 Silver Creek Rd N.E. Rochester, MN 55906 (507) 206-2889

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

www.bwsr.state.mn.us TTY (800) 627-3529 An equal opportunity employer

2. **Grant County Local Water Management Plan Amendment** – The Northern Water Planning Committee met on January 12, 2011 to review the Grant County Plan amendment, and recommends approval. See attachments. **DECISION ITEM**
3. **North Fork of the Crow River Watershed District Plan Update** – The Northern Water Planning Committee met on January 12, 2011, to review the North Fork of the Crow River Watershed District plan update. The Committee recommends approval of the updated ten-year plan by the Board. See attachments. **DECISION ITEM**
4. **Todd County Local Water Management Plan Update** – The Northern Water Planning Committee met on January 12, 2011, and heard the presentation from the Todd County local water planner. Following the presentation, the Committee accepted the staff recommendation and voted to approve plan update for Board approval. This is a traditional water plan revision; however, this plan is only for five years based upon the local interests of Todd County. See attachments. **DECISION ITEM**

Wetland Committee

1. **Local Government Roads Wetland Replacement Program Project Selection** - The Local Government Road Wetland Replacement Program (LGRWRP) is responsible for providing replacement for wetland impacts from local government road improvements necessary to meet State and federal safety standards. Funding is typically allocated on a bi-annual basis through legislative bonding, and BWSR is responsible for identifying and establishing wetland replacement sites consistent with the goals of the Minnesota Wetland Conservation Act. \$2,000,000 is available for project development from the 2010 bonding allocation. BWSR staff have identified current program priorities, reviewed and prioritized potential projects, and recommend proceeding with two wetland restoration projects, with a third as an alternate. The Board's Wetland Committee met on January 12, 2011, and recommends approval consistent with the staff proposal. A resolution and supporting information consistent with the Committee's recommendation will be provided next week. **DECISION ITEM**
2. **2011 Wetland Bank Fee Policy** - MN Statutes establish a fee structure that must be assessed for wetland banking transactions, with the revenue paid to BWSR for administering the wetland bank. Fees are assessed based on the value of wetland bank credits available and/or associated with a specific transaction. When a bill of sale or other similar documentation is provided for a specific transaction, that information can be used to determine the value of credits. Absent such documentation, certain land values are used as a basis for calculating an estimated value of credit for the purpose of assessing the fees. Periodically, the land values and method for calculating estimated value is updated to ensure current and accurate information is being used. Changes are proposed both to the calculated land values consistent with current Department of Revenue data, and to the type of land-use valuation used for counties with a low percentage of tillable land. The Board's Wetland Committee met on January 12, 2011, and recommends approval of the updated valuation method. A resolution and supporting information consistent with the Committee's recommendation will be provided next week. **DECISION ITEM**

NEW BUSINESS

1. **Minnesota Prairie Region Conservation Plan** – Steve Chaplin, The Nature Conservancy - Minnesota's conservation partners, including BWSR, in the Prairie Region of the state collaborated to develop and draft a 25-year strategy for accelerating conservation. This strategy was precipitated by several factors including continuing loss and degradation of prairies, grasslands, wetlands and associated habitats, an acknowledged need to better coordinate between programs and organizations, and opportunities provided by the passage of the Clean Water, Land and Legacy Amendment that will provide significant conservation funding through 2034.

The plan calls for three approaches to conservation in the Prairie Region of the state and prescribes geographic and numeric targets for acres of native prairie, other grasslands, wetlands, and shallow lakes and also calls for incorporation of conservation into "working lands" so that some conservation lands contribute directly to local economies and agricultural lands have adequate conservation applied to them using the full range of conservation practices. Future development of a Memorandum of Understanding on use of the document by all the partners is envisioned. See attachment. **INFORMATION ITEM**

2. **Performance Review and Assistance Program (PRAP) Annual Legislative Report –** Legislation authorizing PRAP requires BWSR to submit an annual report to the Legislative Environment and Natural Resources Policy Committees regarding the performance of local government water management agencies. This is now the fourth annual report in compliance with that requirement. PRAP is intended to provide objective assessments and constructive feedback to the local governments that make up BWSR's local government system that delivers our conservation programs across the state. The report describes the status of PRAP and summarizes results from the 2010 performance reviews conducted by BWSR staff. See attachments. **DECISION ITEM**
3. **Local Government Water Roundtable -** Representatives from AMC, LMC, MASWCD and/or MAWD - The Minnesota Local Government Water Roundtable is an affiliation of four of Minnesota's key local government players, the Association of Minnesota Counties, the Minnesota Association of Soil and Water Conservation Districts, The League of Minnesota Cities and the Minnesota Association of Watershed Districts in the planning and preservation of our state's land and water resources. The four organizations have chosen to work together to improve communication and understanding of the roles and responsibilities that they share. Their shared vision is to manage land and water resources in such ways as to effectively balance the sometimes competing interests of habitat, water quality, water quantity, and resource utilization and to pursue collaborative efforts with the intent of increasing efficiencies and effectiveness among organizations that share goals, objectives, and responsibilities. BWSR staff were asked and agreed to facilitate the Roundtable. More at: <http://www.mnlocalgovernmentroundtable.com/index.html> **INFORMATION ITEM**

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting will adjourn about noon. If bad weather conditions exist in your area and you are unable to attend the meeting due to travel restrictions, please notify the Board office by noon on Tuesday if possible. I look forward to seeing you on January 26th!

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 26, 2011**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF DECEMBER 15, 2010

PUBLIC ACCESS FORUM (10-minute agenda time, two-minute limit/person)

INTRODUCTION OF NEW BWSR EMPLOYEE

- Sherri Johnson, Office & Administrative Specialist

REPORTS

- Chair – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Paul Brutlag
- Wetlands Committee – LuAnn Tolliver
- Grants Program & Policy Committee – Louise Smallidge
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Planning Committee – Paul Brutlag
- Drainage Work Group – Tom Loveall
- Administrative Advisory Committee – Brian Napstad

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Riley Purgatory Bluff Creek Watershed District Revised Watershed Management Plan – Brad Wozney – ***DECISION ITEM***

Northern Water Planning Committee

1. Clay County Local Water Management Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***
2. Grant County Local Water Management Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***

3. North Fork of the Crow River Watershed District Plan Update –
Quentin Fairbanks – **DECISION ITEM**
4. Todd County Local Water Management Plan Update – Quentin Fairbanks –
DECISION ITEM

Wetland Committee

1. Local Government Roads Wetland Replacement Program Project Selection –
Dave Weirens and Dan Girolamo – **DECISION ITEM**
2. 2011 Wetland Bank Fee Policy – Dave Weirens and Natasha DeVoe –
DECISION ITEM

NEW BUSINESS

1. Minnesota Prairie Region Conservation Plan – Steve Chaplin, The Nature
Conservancy – **INFORMATION ITEM**
2. Performance Review and Assistance Program (PRAP) Annual Legislative Report –
Don Buckhout – **DECISION ITEM**
3. Local Government Water Roundtable - Representatives from AMC, LMC,
MASWCD and/or MAWD – **INFORMATION ITEM**

AGENCY REPORTS

- Minnesota Department of Agriculture – Rob Sip
- Minnesota Department of Health – John Linc Stine
- Minnesota Department of Natural Resources – Larry Kramka
- Minnesota Extension Service – Faye Sleeper
- Minnesota Pollution Control Agency – Rebecca Flood

ADVISORY COMMENTS

- Association of Minnesota Counties – Annalee Garletz
- Minnesota Association of Conservation District Employees – Felicia Brockoff
- Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Tim Koehler

UPCOMING MEETINGS

- Next BWSR Board Meeting – March 23, 2011 in St. Paul

Noon

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 15, 2010**

BOARD MEMBERS PRESENT:

Gordy Behm, Paul Brutlag, Larry Kramka, DNR; Quentin Fairbanks, Sandy Hooker, Paul Langseth, Tom Loveall, Joe Martin, Keith Mykleseth, Brian Napstad, Rob Sip, MDA; Faye Sleeper, MES; Gene Tiedemann, LuAnn Tolliver, Doug Wetzstein, MPCA; Dan Wilson, MDH

BOARD MEMBERS ABSENT:

Bob Burandt
Christy Jo Fogarty
John Meyer
Louise Smallidge

STAFF PRESENT:

Mary Jo Anderson, Matt Drewitz, Pete Felland, Jon Fure, Travis Germundson, Jim Haertel, Jeff Hrubes, Al Kean, John Jaschke, Ron Shelito, Dave Weirens, Tom Wenzel, Steve Woods

OTHERS PRESENT:

Wayne Edgerton, DNR
Keith Hanson, Clean Water Council
John Beckwith, NRCS

Chair Napstad called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

Chair Napstad reported that Louise Smallidge is out with pneumonia; Bob Burandt is on vacation; and John Meyer has snowstorm damage clean-up.

**** ADOPTION OF AGENDA** – Moved by LuAnn Tolliver, seconded by Quentin Fairbanks,
10-101 to adopt the agenda as presented. Motion passed on a voice vote.

**** MINUTES OF OCTOBER 27, 2010** – Moved by Paul Langseth, seconded by Sandy Hooker,
10-102 to approve the minutes of October 27, 2010, as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BWSR MEMBER – Chair Napstad introduced Joe Martin, newly appointed board member representing citizens. Chair Napstad “welcomed back” Joe Martin, as Joe had previously been a board member representing the Minnesota Department of Agriculture (MDA). Joe Martin provided background information about himself, stating that he departed service with MDA in August, got married, bought a farm, and started his own business. Joe stated that it’s good to be back working with BWSR. Chair Napstad welcomed Joe to the Board.

INTRODUCTION OF NEW BWSR EMPLOYEE – Al Kean introduced Pete Felland, newly hired Conservation Engineering Technician. Pete provided brief background information about himself. Chair Napstad welcomed Pete to the Board.

RECOGNITION OF SERVICE – John Jaschke recognized Gordy Behm on his efforts as a Board Member, representing watershed districts. Gordy’s term expires in January 2011. Chair Napstad presented Gordy with a plaque and thanked him for his time with the BWSR Board. Gordy’s vacancy will be filled through the Governor’s appointments process.

John Jaschke recognized Wayne Edgerton, retiring after 31 years of state service. Wayne has represented the Minnesota Department of Natural Resources as an alternate member for many years. Chair Napstad presented Wayne with a plaque and thanked him for his years of state service and time with the BWSR Board.

CONFLICT OF INTEREST DECLARATION – Chair Napstad reported that three agenda items today need the Conflict of Interest Declaration form submitted. The agenda items are: FY2011 Clean Water Fund Competitive Grants; the FY2011 Clean Water Fund (CWF) Shifting Authorization; and the Lake Protection Water Plan Challenge Grant Program. Chair Napstad read the statement:

BWSR Meeting Minutes
December 15, 2010
Page Three

"A conflict of interest whether actual or perceived occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. As this time, members are requested to identify any potential conflicts of interest they may have regarding today's business."

Chair Napstad asked board members to submit their completed Conflict of Interest Declaration forms to John Jaschke.

REPORTS

Chair's Report – Brian Napstad reported that he attended the Grants Program & Policy Committee meeting on November 17th. Following that meeting Chair Napstad met with John Jaschke and Julie Blackburn, as a primer to his role as chair. Chair Napstad reported that he attended the Environmental Quality Board (EQB) meeting on November 18th. The EQB discussed the greenhouse gases issue; the State Water Plan; and the University of Minnesota's Water Sustainability Report.

Chair Napstad reported that he attended the Association of Minnesota Counties (AMC) annual conference, December 6-8. BWSR was well-represented at the AMC conference; Julie Blackburn gave a thorough report to the Environment and Natural Resources Policy Committee and clearly explained the attachment of BWSR to LGUs. John Jaschke attended the AMC conference dinner and presented conservation awards.

Chair Napstad reported that the Administrative Advisory Committee (AAC) met this morning and discussed: Grant items on the agenda later today; Budget and Clean Water Council recommendations; BWSR Committees; and the audit response update. Chair Napstad reported that BWSR Committee revisions will be made after Governor Dayton makes his board member appointments.

Executive Director's Report – John Jaschke reviewed information in board members' packets. John reported that he attended the Minnesota Association of Townships (MAT) convention in Duluth; the Minnesota Association of Watershed Districts (MAWD) annual convention in Alexandria, the Minnesota Association of Soil and Water Conservation Districts (MASWCD) annual convention in St. Paul; and the Association of Minnesota Counties (AMC) annual conference in St. Cloud. John briefly commented on BWSR's audit response. John reported that due to the Special Legislative Session held in September, BWSR is working with the Minnesota Recovers Task Force regarding the southern Minnesota Flood Disaster Response. A challenge exists regarding a flood damage site in Kellogg and other ones being documented now. A sign-up will be underway soon for projects to enroll flood damaged lands in RIM.

Tom Lovell arrived at the meeting at 9:20 a.m.

Dispute Resolution Committee – Travis Germundson provided a brief update on the 14 pending appeals. Travis reported that there is a new appeal regarding a restoration order in Mille Lacs County. Travis reported that appeal #10-10 regarding an order of managers of the Wild Rice Watershed District has a verbal agreement from the City of Hendrum to withdraw their appeal via the BWSR-led mediation, a positive outcome.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee met last night at the Kelly Inn in St. Paul; unfortunately, there was not a quorum; although a lively discussion took place. LuAnn stated that an additional meeting is needed prior to the January Board meeting. A meeting date will be decided soon.

Grants Program & Policy Committee – John Jaschke reported that the competitive grant allocation agreements will be sent out in January; other grants will be allocated in June. John reported that the Grants Program & Policy Committee has grant recommendations on the agenda later today.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee did not meet.

RIM Reserve Planning Committee – Paul Brutlag reported that the RIM Reserve Planning Committee will review the application phase and process for projects to enroll in RIM for flood damaged lands, and then the application process will start.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group will meet on January 6, 2011.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Public Hearing on Petition for Redistribution of Managers of the Lower Minnesota River Watershed District – Jim Haertel distributed a revised Order. Jim reported that staff recommends a public hearing be held because the petition does not meet the “noncontroversial” threshold set forth in Minn. Stat. § 103D.105. The Metro Water Planning Committee met on November 17, 2010, the Committee unanimously recommends that a public hearing be held and that the hearing be presided over by the Metro Water Planning Committee.

****** Moved by LuAnn Tolliver, seconded by Faye Sleeper, to order a public hearing be held
10-103 on the Petition for redistribution of managers of the Lower Minnesota River Watershed District to be presided over by the Metro Water Planning Committee on Tuesday, January 25, 2011, starting at 7:00 p.m., at the County Board Room, Scott County

BWSR Meeting Minutes
December 15, 2010
Page Five

Government Center, 400 Fourth Street West, Shakopee, MN, after proper legal notice of the public hearing has been given. Discussion followed. Motion passed on a voice vote.

Southern Water Planning Committee

- Fillmore County Local Water Management Plan Amendment** – Paul Langseth reported that the Southern Water Planning Committee met on November 4; reviewed the Fillmore County Local Water Management Plan Amendment and recommends approval. Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the amendment of the Fillmore County Local Water Management Plan, January 1, 2011 – December 31, 2015. Fillmore County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2015. Motion passed on a voice vote.

- Le Sueur County Local Water Management Plan Amendment** – Paul Langseth reported that the Southern Water Planning Committee reviewed the Le Sueur County Local Water Management Plan Amendment and recommends approval. Moved by Paul Langseth, seconded by Larry Kramka, to approve the amendment of the Le Sueur County Local Water Management Plan, January 2011 – December 31, 2015. Le Sueur County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2015. Discussion followed. Motion passed on a voice vote.

- Redwood County Local Water Management Plan Amendment** - Paul Langseth reported that the Southern Water Planning Committee reviewed the Redwood County Local Water Management Plan Amendment and recommends approval. Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the amendment of the Redwood County Local Water Management Plan, January 2011 – January 2016. Redwood County will be required to provide for a complete update of its Water Management Plan prior to January 1, 2016. Motion passed on a voice vote.

- Olmsted County Comprehensive Local Water Management Plan Extension** – Paul Langseth reported that the Southern Water Planning Committee reviewed the Olmsted County Comprehensive Local Water Management Plan and recommends approval of the extension. Moved by Paul Langseth, seconded by Sandy Hooker, to approve extension of the Olmsted County Comprehensive Local Water Management Plan until December 31, 2012. Motion passed on a voice vote.

- Winona County Comprehensive Local Water Management Plan Extension** – Paul Langseth reported that the Southern Water Planning Committee reviewed the Winona County Comprehensive Local Water Management Plan request for a two-year extension, and recommends approval of the extension. Moved by Paul Langseth, seconded by Sandy

BWSR Meeting Minutes
December 15, 2010
Page Six

- 10-108 Hooker, to approve the extension of the Winona County Comprehensive Local Water Management Plan until December 31, 2012. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 9:50 a.m. The meeting reconvened at 10:05 a.m.

Conflict of Interest Declaration forms were submitted to John Jaschke.

NEW BUSINESS

FY2011 Clean Water Fund Competitive Grants – Dave Weirens explained the FY2011 competitive grant review process. Dave stressed the importance of targeting and consistency with the grant process. Dave explained the Clean Water Fund (CWF) Competitive Grants; the Sub-surface Sewage Treatment System (SSTS) Inventory and Program Enhancement Grants; and the Conservation Drainage Grants. Dave reported that the Senior Management Team reviewed the grants and recommends approval. The Grants Program & Policy Committee met on November 17, 2010, reviewed the grants and recommends approval. Dave presented the Board Resolution.

- ** Moved by Keith Mykleseth, seconded by Quentin Fairbanks, that the Board hereby:
1) Approves allocations to implement the FY2011 Competitive Grant program according to the attached funding recommendation spreadsheets for the following programs and recommended allocation amounts shown below:

<u>Grant Program</u>	<u>Allocated Funds</u>
A. BWSR Clean Water Fund	
i. Runoff Reduction Grants	\$3,147,800
ii. Clean Water Assistance Grants	\$2,650,000
iii. Shoreland Improvement Grants	\$1,325,417
iv. Restoration Technical Assistance Grants	\$1,318,887
v. Conservation Drainage Grants	\$ 313,500
B. MPCA SSTS Inventory Grants	\$ 422,655
C. BWSR SSTS Program Enhancement Grants	\$ 314,893

2) Authorizes staff to forward a recommendation to the MDA to allocate \$883,500 of Agricultural BMP Loan Program to projects and activities proposed through BWSR-led competitive grant making processes, and

3) authorizes staff to:

- A. approve project workplans,
- B. enter into grant agreements consistent with this resolution and Legislative appropriations, and

BWSR Meeting Minutes
December 15, 2010
Page Seven

C. assign funds, noted in (1) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2011, unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

Discussion followed. Keith Mykleseth commended staff on their work. Larry Kramka stated that item 3C is an outstanding process to get the dollars on the ground.

John Jaschke noted that Paul Langseth will not vote on this item as Paul declared a conflict of interest on this item.

10-109 Motion passed on a voice vote.

FY2011 Clean Water Fund (CWF) Shifting Authorization – Dave Weirens distributed revised information to board members. Dave reported that the Senior Management Team recommends approval of the shifting authorization. The Grants Program & Policy Committee reviewed the funding recommendation on November 17, 2010, and recommends approval. The shifting authorization is an administrative adjustment, with the last project on the list getting less. Dave presented the Resolution:

- 1) Authorizing shifting of up to \$385,994 of BWSR SSTs Inventory and program Enhancement Grant Program funds to eligible applications received under the SSTs Imminent Health threat Abatement Continuous Sign-up Grants according to the spreadsheet and as provided by Laws of Minnesota 2009, Chapter 172, Section 6; and,
- 2) Authorizes shifting of up to \$267,027 in CWF Feedlot Water Quality funds and up to \$311,259 of BWSR CWF SSTs Program Enhancement funds to CWF competitive grant applications according to the spreadsheet and as provided by Laws of Minnesota 2009, Chapter 172, Section 6; and,
- 3) Authorizes staff to:
 - A. approve project workplans,
 - B. enter into grant agreements consistent with this resolution and Legislative appropriations, and
 - C. assign funds, noted in (1) and (2) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 31, 2011 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

** Moved by Faye Sleeper, seconded by Paul Langseth, that the Board hereby approve the resolution as presented. Discussion followed. Paul Langseth, speaks in favor of the motion, stating that the Grants Program & Policy Committee discussed the importance of timeliness. Joe Martin stated that he has concerns regarding shifting feedlot dollars. Dave

BWSR Meeting Minutes
December 15, 2010
Page Eight

Weirens clarified that each eligible feedlot livestock project under the application process received 100% funding.

Gene Tiedemann declared a conflict of interest and abstains from voting on this item.

Joe Martin stated that with \$267,000 not being expended, BWSR needs to let the Legislature know that they tie the hands of the agency to allocate feedlot funds to sites as they are identified. Rob Sip concurred.

** Moved by Joe Martin, seconded by Sandy Hooker, to amend the resolution, under 2) as follows:

- 2) Authorizes shifting of up to \$267,027 in CWF Feedlot Water Quality funds and up to \$311,259 of BWSR CWF SSTs Program Enhancement funds to CWF competitive grant applications according to the spreadsheet, as amended, and as provided by Laws of Minnesota 2009, Chapter 172, Section 6; and,

Discussion followed. Rob Sip stated, as a point of clarification, that agencies worked on a Feedlot Assessment Report a few years ago. Larry Kramka stated that this money is not lost, it's turned back into projects for this activity. Paul Langseth speaks against the amendment; stating that the Board can still go to the Legislature for future funding, funding clean water projects now that are ready to go is a better option at this point. Tom Loveall speaks against the amendment, we don't want to get caught up in bureaucratic process, the criteria needs to emphasize getting projects on the ground. Joe Martin speaks in favor of the amendment, stating this sends the wrong message when realities don't match up, he sees the shift potentially interpreted in a way that we don't need to put money into feedlot fixes. Larry Kramka speaks in favor of the amendment, stating that politics aside, the money is appropriated and is a small portion of Clean Water Funds, we still have time to think about it, and revisit this in the near future. Keith Mykleseth is strongly in favor of the original resolution, it's important to get projects on the ground.

Chair Napstad clarified the vote on the amendment – a yes vote is to amend the resolution; a no vote is to leave the resolution as presented. Chair Napstad called for the vote. The motion to amend the resolution failed. Discussion followed.

Rob Sip asked about tabling this for a month to get more information. Paul Brutlag asked about delaying the grants. John Jaschke stated that a delay for all the funding would be a setback for project sponsors.

- 10-110 Chair Napstad called for the vote on the original motion. Motion passed on a voice vote. Dave distributed a geographic map of the Clean Water Funds appropriated over two years, showing results of FY2011 & FY2011 Recommended Funding.

BWSR Meeting Minutes
December 15, 2010
Page Nine

Chair Napstad thanked the Grants Program & Policy Committee, staff, and board members on this difficult decision.

Lake Protection Water Plan Challenge Grant Program – Dave Weirens introduced Jeff Hrubes, Northern Region Clean Water Specialist. Dave distributed a revised packet of information. Jeff Hrubes explained that the Senior Management Team reviewed the Lake Protection Challenge Grant Program proposal and recommends approval. The Grants Program & Policy Committee recommends the Board authorize staff to conduct a challenge grant program for lake protection using returned 2008 Clean Water Legacy funds.

**
10-111 Moved by Quentin Fairbanks, seconded by Gene Tiedemann, that the Board hereby authorizes staff to finalize, distribute and promote request for proposals for the Lake Protection Challenge Grant Program, and award funds consistent with this resolution and application appropriations and statutes. Paul Langseth stated that he approves the resolution and the Grants Program & Policy Committee fully endorses the resolution. Chair Napstad stated that Louise Smallidge concurs with this resolution. Motion passed on a voice vote.

Clean Water Council FY12-13 Budget Recommendations – Keith Hanson, Chair, Clean Water Council (CWC) Budget and Outcomes Committee, distributed the Biennial Report of the Clean Water Council. Mr. Hanson presented an overview of the CWC FY12-13 budget recommendations, the CWC budget process; CWC FY12-13 focus; intensive watershed monitoring; and funding recommendations to BWSR. Mr. Hanson will provide updated information to Mary Jo Anderson for distribution to the board members. Larry Kramka stated that there has been good collaboration with agencies to work on this. John Jaschke reported that the Legislative branch is working on a consolidated website for people to see the outcomes. Chair Napstad thanked Keith Hanson for his informative presentation. Chair Napstad stated that BWSR's mission is to get conservation on the ground.

Grass Lake Prairie Wetland Restoration: Kandiyohi County Grant Agreement – Tom Wenzel explained that Kandiyohi County continues to assist the state and other project partners with the ongoing implementation of the Grass Lake Prairie Wetland Restoration near Willmar. Board approval is being sought to amend prior BWSR Resolution #07-96 that limits grant funds to the county for this project to ten percent of the 2006 capital budget appropriation. It is proposed to waive the ten percent limitation and allow any remaining unencumbered funds from the appropriation to be granted to the county for limited use on approved project implementation activities including, but not limited to project coordination, contracts for project services, acquisition, and specific project implementation activities.
** Tom presented the resolution. Moved by Keith Mykleseth, seconded by Paul Langseth, to

BWSR Meeting Minutes
December 15, 2010
Page Ten

- 10-112 approve the resolution as presented. The Board hereby amends the October 24, 2007, BWSR adopted resolution #07-96 to waive the ten percent limit on funds from the 2006 appropriation that can be granted to Kandiyohi County. Motion passed on a voice vote.

- BWSR Board Meetings in 2011** – Chair Napstad presented the proposed 2011 BWSR Board Meeting schedule. Moved by LuAnn Tolliver, seconded by Dan Wilson, to approve the proposed 2011 BWSR Board meeting schedule. Motion passed on a voice vote.
- 10-113

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that a feedlot group will be formally organized and will tackle feedlot issues; more to come in the future.

Minnesota Department of Natural Resources (DNR) – Larry Kramka reported that in addition to Wayne Edgerton retiring, 120 DNR employees will retire next week. The DNR is going through an early-retirement phase that means changes in the future.

Minnesota Extension Service (MES) – Faye Sleeper reported that the University of Minnesota will be closed December 24 - January 2. The closure is due to salary savings and utility savings. This includes three furlough days for certain classes of employees, and over 1% pay reduction, heat reduction to 62 degrees. Faye reported that individual counties will decide if County Extension Offices will be closed. Faye stated that not only are state funds reduced, endowment funds are down nationwide.

Minnesota Pollution Control Agency (MPCA) – Doug Wetzstein, Rebecca Flood's alternate, reported that Commissioner Paul Eger's last day with MPCA will be January 3. Commissioner Eger has taken a position with the Minnesota Realtors Association. No word yet on who the new MPCA Commissioner will be.

ADVISORY COMMENTS

Natural Resources Conservation Services (NRCS) – John Beckwith, Assistant State Conservationist, introduced himself. He stated that he enjoys working with BWSR and continuing the strong partnership NRCS has with BWSR.

UPCOMING MEETINGS

- Next BWSR Board Meeting – January 26, 2011 in St. Paul

LuAnn Tolliver announced that the Wetlands Committee will meet January 12, via conference call. The meeting will be held immediately following adjournment of the Northern Water Planning Committee meeting. The Wetlands Committee will start at noon. LuAnn stated that one agency member (DNR, PCA, MDA) needs to be present

BWSR Meeting Minutes
December 15, 2010
Page Eleven

on sight at the Wetlands Committee meeting. Rob Sip and Larry Kramka stated that they will attend.

Wayne Edgerton sincerely thanked BWSR for their efforts and work. Chair Napstad wished Wayne well in his retirement and thanked Gordy again for his service on the Board.

LuAnn Tolliver distributed a calendar from the Nine Mile Creek Watershed District (NMCWD). LuAnn explained that the NMCWD held a photo contest and the winning photos make up the calendar.

****** Moved by Quentin Fairbanks, seconded by Doug Wetzstein, to adjourn the meeting at
10-114 12:10 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Dispute Resolution Committee Report

Meeting Date: January 26, 2011

Agenda Category: ☐ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☒ Information
Section/Region: Land and Water Section
Contact: Travis Germundson
Prepared by: Travis Germundson
Reviewed by: _____ Committee(s)
Presented by: Paul Burtlag/Travis Germundson

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

None

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Dispute Resolution Committee Report. The report provides a monthly update on the number of appeals filed with the BWSR.

Dispute Resolution Report
January 12, 2011,
By: Travis Germundson

There are presently **15** appeals pending. All of the appeals involve WCA except File 10-10. There has been **1** new appeal filed since the last report dated December 15, 2010 (Board Meeting).

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 10-16 (12-23-10) This is an appeal of a forestry exemption decision in Carlton County. The LGU under a local appeal reversed the staff decision and approved an after-the-fact forestry exemption for the construction of a forest logging road. No decision has been made on the appeal.

File 10-15 (11-29-10) This is an appeal of a restoration order in Mille Lacs County. The appeal regards the filling of approximately 5,800 square feet of wetland for lakeshore access and to create a larger recreational area. *The appeal has been placed in abeyance for submittal of technical analyses of the onsite drainage modifications.*

File 10-12 (8-27-10) This is an appeal of a restoration order in St. Louis County. The appeal regards the excavation and filling of approximately 43,394 square feet of wetland and the construction of over 1,000 feet of drainage ditches. The appeal has been placed in abeyance and the restoration order stayed to allow the LGU to respond to the data practices request and for the TEP to convene and develop written findings. The appellant has recently applied for an after-the-fact wetland application to retain the open water areas on the site.

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. The appeal has been placed in abeyance pending settlement discussions. A verbal settlement agreement has been reached by the parties.

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type 2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system.

File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.

File 09-22 (10-02-09) This is an appeal of a restoration order in Carlton County. The appeal regards three separate investigation areas encompassing over 18 acres of wetland impacts from excavation, filling, and ditching. The replacement order has been stayed and the appeal has been placed in abeyance pending further technical work and for submittal of complete wetland replacement plan, exemption, or no-loss application.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regard the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers.

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application. The three owners are also in the process of splitting up the property.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Dept of Justice.

File 08-4. (01/24/08) This is an appeal of no-loss and exemption decisions in Waseca County. In addition to the no-loss decision, at issue are denials of the agricultural exemption, approved development exemption, incidental wetland exemption, and claims of numerous procedural issues that were prejudicial to the applicants. The mandamus action regarding Minn. Stat. § 15.99 (60-day rule) is complete and the temporary injunction lifted. The timeline for the remand has been extended several times and most recently for the duration of the September 9, 2010 Monitoring Agreement.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court; however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review. It is likely the appeal will soon be placed on the calendar for DRC proceedings.

File 06-17. (05/27/06) This is an appeal of a replacement plan decision in the City of Montgomery in LeSueur County. The LGU denied an after-the-fact wetland replacement plan application based on a lack of sufficient reasons why the restoration could not be completed. The appeal was been remanded for further processing at the local level. The City of Montgomery has gradually been working on removing the debris and restoring the wetland in accordance with MPCA requirements.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue are wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted an updated replacement plan application.

Draft Summary Table

Type of Decision	Total for Calendar Year 2009	Total for Calendar Year 2010
Order in favor of appellant		2
Order not in favor of appellant	10	6
Order Modified	1	
Order Remanded	4	
Order Place Appeal in Abeyance	3	5
Negotiated Settlement		1
Withdrawn/Dismissed	9	1

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Riley Purgatory Bluff Creek Watershed District Revised Watershed Management Plan – Brad Wozney – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Riley Purgatory Bluff Creek WD Revised Plan

Meeting Date: January 26, 2011

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metropolitan Region
Contact: Brad Wozney, Board Conservationist
Prepared by: Brad Wozney, Board Conservationist
Reviewed by: Metro Water Planning Committee(s)
Presented by: Brad Wozney, Board Conservationist

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☒ Map ☐ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Approval of the Riley Purgatory Bluff Creek Watershed District's Watershed Management Plan

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

The Riley-Purgatory Creek Watershed District was established on July 31, 1969 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). In 1984 the District was expanded to include Bluff Creek. The previous plan was revised in accordance with the Metropolitan Surface Water Management Act and approved by BWSR in August 1996.

The District is approximately 47 square miles in size and located in both Hennepin County (32.8 sq. miles) and Carver County (14.5 sq. miles), within the Minnesota River basin. The land use in the watershed consists predominantly of single family low density residential development, with a mix of recreational/golf courses/preserved areas, commercial, industrial, institutional land uses, as well as undeveloped areas. Development pressure within the watershed is projected to slightly increase through the life of this Plan, particularly as medium density residential development. There are a total of 13 major lakes and three major creeks in the District. The following municipalities lie partially within the District: Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Minnetonka, and Shorewood. The District is bound by the Lower Minnesota River Watershed District to the south, the Carver County WMO to the southwest, the Minnehaha Creek Watershed District to the west and north, and the Nine Mile Creek Watershed District to the east.

The five member Board of Managers is comprised of four from Hennepin County and one from Carver County. The District Attorney serves also as the Coordinator. The Managers have recently committed to regular TAC meetings and have a very engaged and energetic CAC.

BWSR staff have been involved with the Plan process since 2005. Early in the planning process, BWSR attended numerous meetings providing upfront input and plan expectations. BWSR staff monitored the following key procedures at this stage: ensure that stakeholders were heard by the Managers and the lines of communication were open, ascertain that the majority of the managers agreed to the change in direction

primarily regarding regulatory intentions, and ensure that the TAC and CAC were engaged and met at least three times to help shape the implementation program. All stakeholders and agencies were given opportunities to provide upfront written input and preliminary draft plan comments. Meanwhile the CAC provided guidance on resource concerns and watershed priorities.

The final draft of the revised Plan was received by BWSR on December 14, 2010. Per BWSR staff recommendation the District documented accomplishments of implementing the previous Plan. BWSR staff encouraged the District to list projects with municipal partnerships and to set stricter stormwater standards for redevelopment as part of this Plan. The District elected to address these items with the TAC after Plan approval, with plan amendments possible in the future. The District contends it is prepared to take on petitioned projects that are mutually beneficial.

In general the Plan is a decent mix of structural, non-structural, and programmatic solutions. The Plan shows an emphasis on in-lake treatments to address nutrient loading, a non-traditional approach to watershed management than has not been seen in other metro watershed plans. The broad issue areas of the Plan include: regulatory roles and responsibilities, communication between watershed partners, stream flows and erosion, lake eutrophication and water quality, biological resources – native and non-native, invasive species, wetlands, and recreational uses.

Financing of this Plan is almost exclusively 103B ad valorem property taxes, with some 103D generated funds, and a projected average annual budget of approximately \$1,900,000 over the life of the Plan. Local and state comments received in regards to the revised Plan have been addressed.

The highlights of the revised Plan include:

- The District offered ample opportunities to provide upfront comments on plan drafts prior to submitting the formal draft.
- For effective management and to show specific approaches, the Plan is organized into four subwatersheds: Bluff Creek, Riley Creek, Purgatory Creek, and Hyland Lake.
- A Low Impact Development Cost Share Program with an aggressive annual budget.
- A significant monitoring program to prove results and support adaptive management approaches.
- A substantial carp removal and aquatic plant restoration program in partnership with the University of MN.
- The application of "scorecards" to regularly assess District performance with plan implementation and short and long term goals. The District will review the implementation section and if necessary update the Plan through amendments every two years.

Local and state comments received in regards to the revised Plan have been sufficiently addressed. The Metro Water Planning Committee met on January 5, 2011. BWSR staff recommended approval. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the Watershed Management Plan for the **Riley Purgatory Bluff Creek Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Riley Purgatory Bluff Creek Watershed District (District) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **Watershed District Establishment.** The Riley-Purgatory Creek Watershed District was established on July 31, 1969 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The first water resources management plan for the District was prepared and adopted in 1973. The second plan was adopted in 1982. Bluff Creek was added to the District in June 1984. The plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982 (M.S. 103B), and approved by the Board of Water and Soil Resources (Board) in August 1996.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.
3. **Nature of the Watershed.** The District is approximately 47 square miles in size and located in both Hennepin County (32.8 sq. miles) and Carver County (14.5 sq. miles), within the Minnesota River basin. The land use in the watershed consists predominantly of single family low density residential land use, with a mix of recreational/golf courses/preserved areas, commercial, industrial, institutional land uses, as well as undeveloped areas. Development pressure within the watershed is projected to slightly increase through the life of this Plan, particularly as medium density residential development. There are a total of 13 major lakes and three major creeks in the District. The following municipalities lie partially within the District: Bloomington, Chanhassen,

Chaska, Deephaven, Eden Prairie, Minnetonka, and Shorewood. The District is bound by the Lower Minnesota River Watershed District to the south, the Carver County WMO to the southwest, the Minnehaha Creek Watershed District to the west and north, and the Nine Mile Creek Watershed District to the east.

4. **Plan Development and Review.** Between 2005 and September 2008 the District requested citizen/stakeholders and TAC input regarding watershed problems, plan content, and priorities. TAC meetings were held and local and state agencies were given opportunities to provide upfront written input and draft plan comments. Citizen input was sought via an energetic CAC, website postings, newspaper articles, and open forums at regular and special Board meetings. A preliminary draft plan was released, offering an opportunity for stakeholders and state agencies to provide written comments. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on May 6, 2010. A public hearing was held on August 23, 2010. On September 30, 2010, the draft revised Plan was sent to the review agencies for the 45-day review period. The final draft of the revised Plan was received by the Board on December 14, 2010.
5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The District received comments from the cities of Bloomington, Chanhassen, Eden Prairie, Minnetonka, Shorewood, the Carver County Soil and Water Conservation District, and the Lower Minnesota River Watershed District. The following recurring comments were contained within a majority of the municipal comment letters during the formal review period: clarification regarding the adequacy of the amount of stormwater utility funds cities have available in addressing all pollutant loading, the request for more cooperative projects addressing external sources of pollutant loading, the roles and membership of the citizen advisory committee to add property owners not residing on lakes, strong recommendation to more frequently engage the technical advisory committee, clearer expectations for petitioned projects, and more specificity regarding the proposed Low Impact Development Cost Share Program. The District responded in writing to all municipalities who provided comments, addressing each concern.
6. **Metropolitan Council Review.** The Council recommended that the District establish a baseline for wetland management related to hydroperiod and pretreatment standards. The Council also added that the Plan should include: a program to provide city oversight to ensure that the regulations are adequately administered, a back-up plan if the regulations are not enough to protect the resources, and a back-up strategy for some of the more experimental approaches to lake management outlined in the Plan if they do not meet state standards or District goals. The District individually addressed each comment; however the Council would have preferred to see stronger language in the Plan related to each of these concerns.
7. **Department of Agriculture Review.** The MDA did not comment on the Plan.
8. **Department of Health Review.** The MDH did not comment on the Plan.

9. **Department of Natural Resources Review.** The DNR provided comments only during the last comment period. The DNR expressed concern about the District's emphasis on in-lake treatment of nutrients without an equal emphasis on external loading. The District responded that they expect the MS4 General Permits with SWPPPs, via the municipalities and state agency regulatory authorities, to address the continued external loading. This allows the District to complement their efforts with in-lake efforts resulting in a holistic watershed approach. The DNR encouraged the District to further address stream erosion, discuss the potential for permit requirements for chemical treatments, aquatic vegetation management, and projects related to fisheries management.
10. **Pollution Control Agency Review.** The PCA provided extensive comments, recommending the following main items: include additional projects addressing external phosphorus loading, provide a list of relevant local ordinances that negate the application of District rules, the need for further dialogue regarding the proposed in-lake treatments and to not prioritize reduction of mercury efforts, to implement LID practices in the Bluff Creek subwatershed and on municipal properties in addition to private property, identify and resolve gaps between current regulatory requirements among all partners that may impede attainment of water quality goals, and include wetland management goals. Regarding external loading, the District chose to address it through petitioned projects and the LID Cost Share Program rather than committing to specific projects in the Plan. The District intends to confer with the municipalities through the TAC to develop approaches to potential regulatory gaps.
11. **Department of Transportation Review.** MNDOT requested clarification on what is meant by "fen management plan" development, rewording of the paragraph describing the construction of Highway 212, and incorporating the results and recommendations from a Barr Engineering study completed as part of the previous plan. The District stated that the results of the study will be referenced as part of the Bluff Creek TMDL development. All comments were addressed with revisions to the Plan.
12. **Board Review.** Board staff provided extensive comments for the review periods. Board staff recommended adding the following to the Plan: a description of CAC and TAC roles in Plan implementation, a reduction or elimination of the irrelevant national and state planning goals referenced, goals for wetland management and erosion control, an assessment of adequacy of current regulations and stormwater issues, more detailed descriptions, start and end dates, and cost estimates of various projects in the implementation section, clarification for completion of a hydraulic and hydrologic model and a strong recommendation to complete a watershed pollutant loading model, more guidance related to petitioned projects, clarification of local water plan requirements, a statement that local water plans must be assessed annually, clarification of who is responsible for implementing the Bluff Creek and Riley Creek Lower Valley Stabilization studies, take a lead role in enacting stricter stormwater and volume management standards or rules, achieve consensus from state agencies regarding the in-lake treatment methods, more details about the "Low Impact Development cost share program", and add a section outlining plan amendments. The District addressed the comments resulting in some revisions to the Plan.

13. **Plan Summary and Highlights.** The Plan outlines a good framework for protecting the water resources of the District. Overall the Plan is a decent mix of structural, non-structural, and programmatic solutions. The basis of this is largely the result of the intense lake and creek studies, i.e. the “use attainability analyses”, completed under the previous plan. A self assessment document that lists accomplishments of the previous plan was incorporated into the revised Plan in Section 1.3.4. The highlights of the revised Plan include:
- The District offered ample opportunities to provide upfront comments on the Plan prior to submitting the formal draft.
 - For effective management and to show specific approaches, the Plan is organized into four subwatersheds: Bluff Creek, Riley Creek, Purgatory Creek, and Hyland Lake.
 - A robust Low Impact Development Cost Share Program.
 - A significant monitoring program to prove results and support adaptive management approaches.
 - A substantial carp removal and aquatic plant restoration program in partnership with the University of MN.
 - The application of “scorecards” to regularly assess District performance with plan implementation and short and long term goals. The District will review the implementation section and if necessary update the Plan through amendments every two years.
14. **Metro Water Planning Committee Meeting.** On January 5, 2011, the Board’s Metro Water Planning Committee and staff met with representatives from the District in St. Paul to review and discuss the Plan. Those in attendance from the Board’s Committee were Rebecca Flood, Faye Sleeper, Louise Smallidge, LuAnn Tolliver, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Brad Wozney. Representatives from the District included Managers Perry Forster and Michael Casanova, District Engineer Mark Enochs and Consultant Tim Thoreen of CH2MHill Engineering, and Citizen Advisor Catherine Thimmesh. Board staff recommended approval of the Plan. After discussion, the Committee voted unanimously to recommend approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Riley Purgatory Bluff Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Riley Purgatory Bluff Creek Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Watershed Management Plan dated December 2010 as the Watershed Management Plan for the Riley Purgatory Bluff Creek Watershed District.

Dated at Saint Paul, Minnesota this 26th day of January, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Clay County Local Water Management Plan Amendment –
Quentin Fairbanks – ***DECISION ITEM***
2. Grant County Local Water Management Plan Amendment –
Quentin Fairbanks - ***DECISION ITEM***
3. North Fork of the Crow River Watershed District Plan Update –
Quentin Fairbanks – ***DECISION ITEM***
4. Todd County Local Water Management Plan Update –
Quentin Fairbanks – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Clay County Water Plan Amendment

Meeting Date: January 26, 2011

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern Region

Contact: Pete Waller

Prepared by: Pete Waller

Reviewed by: Northern Water Planning Review Committee(s)

Presented by: Quentin Fairbanks

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Decision - Approval of the Clay County Water Plan Amendment

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

Clay County Amendment of the Local Water Management Plan - By Board Order, the Board of Water and Soil Resources (Board) approved the Clay County Local Water Management Plan (Plan) on December 14, 2005. This Plan covers a ten-year period of 2006 to 2015 and contained a five-year implementation section for 2006-2010. The Board Order stipulated that the County be required to revise/update the implementation section for the period 2011 to 2015. The Board's Northern Water Planning Committee (Committee) met on October 13, 2010 to review the Clay County Plan Amendment and January 12, 2011 to review the Summary of the November 2, 2010 public hearing. The Committee recommends approval of the Plan Amendment. See attachments. DECISION ITEM.

EXECUTIVE SUMMARY

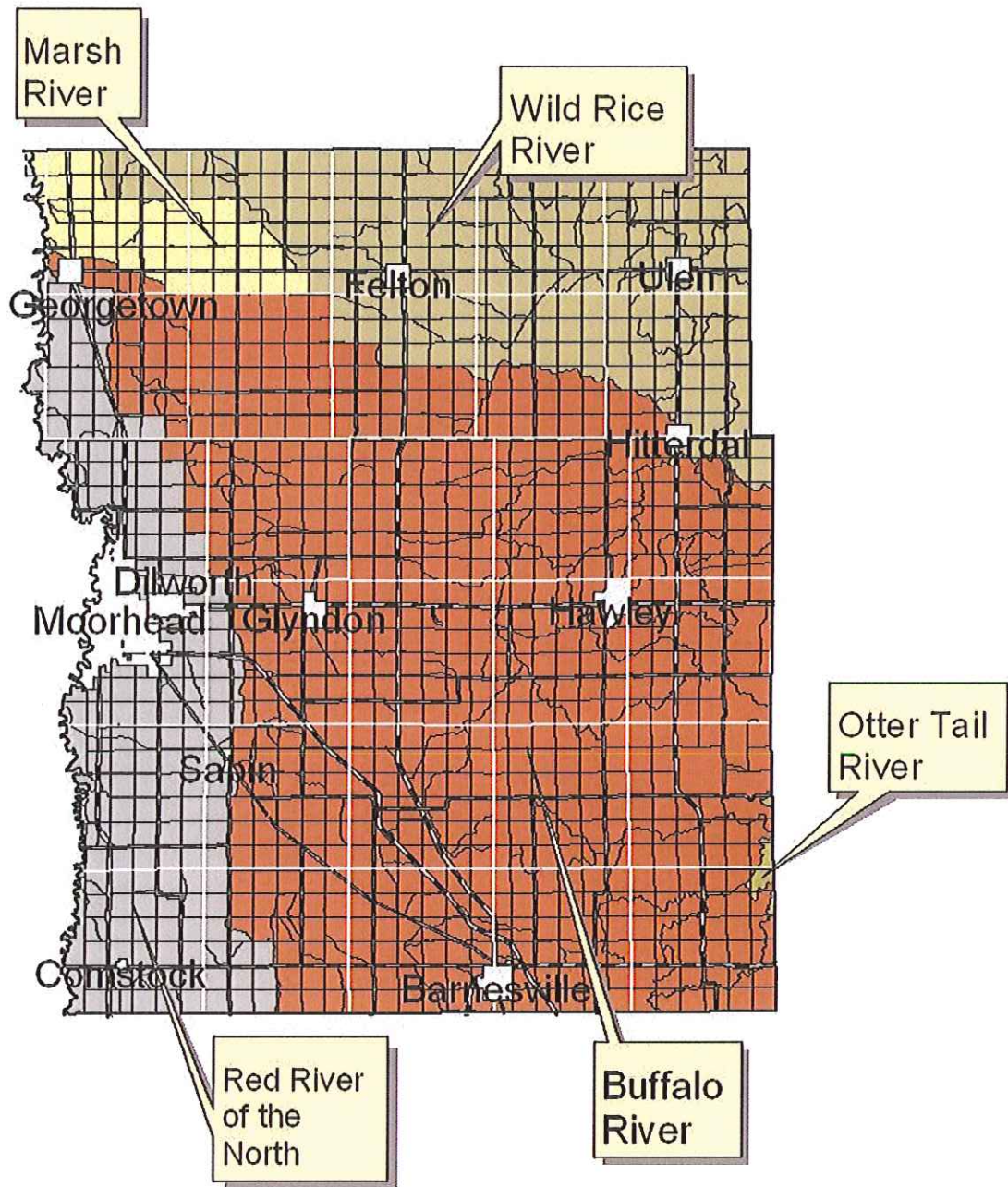
Clay County is situated on the western border of Minnesota, separated from Cass County, North Dakota by the Red River of the North. Clay County encompasses 1,053 square miles, and includes 30 townships and 11 cities. The County seat, Moorhead, comprises 63 percent of the total county population of 51,229 people (2000 Census). The State Demographer's Office projects that the population of Clay County will grow by 5.6 percent from 2000 to 2020, from 51,229 to 54,000. Much of this growth, if current trends continue, will occur near Moorhead and along primary transportation corridors. Of the 30 townships, only 6 have experienced an increase in population since 1950 (see maps in the Appendix denoting township growth and land use).

Of the 673,733 acres that make up Clay County, agricultural land classification dominates accounting for nearly 90 percent of the land use. Interestingly, the total amount of land in farms (cropland) compared to the total acreage in the County has dropped from 1978 to 1997 while the amount of cropland actually harvested has risen from 1978 to 1997 despite a decrease in cropland acres. The most obvious explanation is a decrease in the number of acres in farm programs such as the Conservation Reserve Program (CRP), or other programs. Also of interest, wheat, corn, sunflower seeds, soybeans and hay/alfalfa have increase in the number of acres grown while barley and oats have decreased (Clay County Comprehensive Plan, 2000).

Land Use Category	Percent of Total
Cultivated Land	81.4%
Grassland, hayland, or pasture (combined)	7.9%
Forested land	4.4%
Urban and rural development	2.5%
Bog, marsh, fen	1.6%
Water	1.1%
Brushland	0.9%
Mining	0.2%

Source: 1989 Land Use Data (Compared with Clay County Assessors data)

Despite the limited amount of surface water resources, surface water drainage dictates land use, and management of water resources on a watershed scale is paramount. Two primary watersheds, the Buffalo River watershed and the Wild Rice River watershed divide Clay County. Three smaller, secondary watersheds, the Red River (headwaters) watershed, the Otter Tail River watershed, and the Marsh River watershed, drain smaller portions of the county to the west, east and north respectively. In terms of water management, those areas in Minnesota that drain directly to the Red River are included under the Buffalo River Watershed and Wild Rice River Watershed, and the Marsh River is also included under the Wild Rice River.



The Buffalo-Red River Watershed District (BRRWD) encompasses a land area of 1,380 square miles. Approximately 75 percent of the geographic area of Clay County is in the BRRWD, which translates to 58 percent of the watershed area. The Buffalo River originates in Becker County, but transects Clay County where it enters the Red River of the North northwest of Georgetown. The main tributaries to the main branch of the Buffalo River include Hay Creek (originating in Becker County) and the South Branch of the Buffalo River. Again, several drainage ditches also contribute to this branch of the Buffalo River. Major tributaries of the South Branch of the Buffalo River include Hay

Creek, Stony Creek, Spring Creek, Whisky Creek, and several drainage ditches. Wolverton Creek/ Comstock Coulee, although a direct tributary of the Red River of the North, is also included in this watershed. The Wild Rice Watershed District (WRWD) encompasses a land area of 2,080 square miles. Approximately 25 percent of the geographic area of Clay County is in the WRWD, which translates to 12 percent of the watershed area. The South Branch of the Wild Rice River runs across the northeast corner of Clay County from east to west with its headwaters located in Becker County and its terminus in Norman County. Other surface waters in Clay County include Stiner Creek, Felton Ditch, Dalen Coulee and several drainage ditches that are tributaries of the Wild Rice River, or the Red River of the North.

Although the land use figures vary somewhat from year to year, the dominant land uses do not. The struggle between urbanization or increased growth and the traditional agricultural character of the County is clear and present. The challenge for Clay County is to find balance between the preservation of the agricultural heritage, protection of the remaining natural resources and the desire for economic and community growth. To achieve such goals will require the careful, comprehensive consideration of the County's natural resources.

Administration of the Clay County Local Water Management Plan

The administration of the Clay County Local Water Management Plan has been the responsibility of the Clay Soil and Water Conservation District (Clay SWCD) since 1998 (from 1990 to 1998 with the County Planning and Zoning Department). The first generation "Water Plan" was adopted June 12, 1990, and, in 1997, was revised and adopted locally on December 17, 1997. This second generation plan, after a requested two-year extension, will expire on December 31, 2005. The revised Clay County Local Water Management Plan will cover a ten year period from 2006 to 2015, with an implementation plan covering five year increments (2006 to 2010, and a revised implementation plan covering 2011 to 2015).

The Purpose of Local Water Management

The purpose of this Local Water Management Plan for Clay County is:

1. *To identify existing or potential problems and opportunities for protection, management, or development of water resources and related land resources in the county.*
2. *To develop and implement a plan of action to promote sound hydrologic management of water and related land resources in the county, and*
3. *To work toward effective environmental protection and management in the county.*

Pursuant to Minnesota Statute 103B.311, subd. 4, the local water management plan must;

1. address water management issues over the entire county
2. address problems in the context of watershed units and groundwater systems
3. be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management
4. be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater systems
5. address water management issues over a ten year period with five year implementation plans.

The Water Management Plan revision process requires that the county base future management considerations on public input derived from private citizens and public agencies. Public input was gathered through landowner surveys (paper and internet based surveys), township officer surveys and agency comments (see the Clay County Priority Concerns Scoping Document in the Appendix for more information). Through the Water Management Plan revision process, four *PRIORITY CONCERNS* were identified to address in the coming decade; water quality, natural resources enhancement and protection, erosion, and flood damage reduction. The process through which these concerns were identified is detailed in the Clay County Priority Concerns Scoping Document located in the Appendix.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Amendment
for **Clay County** (Minnesota Statutes, Section 103B.314,
Subdivision 6)

ORDER
APPROVING
LOCAL WATER
MANAGEMENT PLAN
AMENDMENT

Whereas, on December 14, 2005, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Clay County Local Water Management Plan Update (Plan); 2006–2015 with a Implementation Program covering 2006–2010; and

Whereas, this Board Order stipulated that Clay County was required to amend the 2006–2010 implementation section; and

Whereas, the Clay County Board of Commissioners submitted the Clay County Plan Implementation Plan 2010 Amendment with an Implementation Section covering 2011-2015 to the Board on September 1, 2010; and

Whereas, this Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the Amendment.

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. On August 27, 2009 Board staff provided information on the amendment process to Clay County.
2. On February 25, 2010, the Board received a February 23, 2010 resolution from Clay County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.
3. On February 16, 2010, Clay County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.
4. Clay County received written comments from the Minnesota Pollution Control Agency and the Minnesota Board of Water and Soil Resources to be considered while developing the amendment. No other state agency or local government unit provided written comments at this point to Clay County.
5. On March 23, 2010, Clay County convened its water plan task force to initiate the five-year implementation section update. Several additional meetings were conducted through August. The Buffalo Red River Watershed District staff reviewed its June 2010 Revised Watershed Management Plan.
6. On September 1, 2010, the Amendment, which was developed by Clay County and includes the revised 2011 to 2015 five-year implementation section, was submitted to the required state review agencies.

7. Recommendations of the state review agencies were:
 - a. Minnesota Department of Agriculture: recommends approval;
 - b. Minnesota Department of Health: no recommendation received;
 - c. Minnesota Department of Natural Resources: recommends approval;
 - d. Minnesota Pollution Control Agency: recommends approval;
 - e. Minnesota Environmental Quality Board: no recommendation received;
 - f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
8. On September 1, 2010, the BWSR received the Clay County Plan Amendment and copies of all written comments pertaining to the Amendment submitted to date, pursuant to M.S. Section 103B.314, Subd. 6.
9. On October 13, 2010, the Board's northern regional Water Planning Committee (Committee) reviewed the Clay County Plan Amendment, pursuant to 103B.301 and guidelines established by the Board. Action by the Committee was stayed until record of the required public hearing was received.
10. On November 2, 2010, after providing for proper public notice, Clay County conducted a public hearing on the proposed Amendment. No additional comments were submitted at the hearing.
11. On November 29, 2010, the BWSR received a record of the public hearing. Comments were requested of the audience and none were received.
12. On January 12, 2011, the Board's northern regional Water Planning Committee (Committee) reviewed the summary of the November 2, 2010 public hearing.
13. Board regional staff provided its recommendation of approval to the Committee.
14. The Committee voted to recommend approval to the full Board at its next scheduled meeting.
15. This Amendment will be in effect until December 31, 2015.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Clay County pursuant to Minnesota Statutes, 103B.314, Subd. 6.
2. The Clay County Plan Amendment attached to this Order states goals, objectives, and actions the county will address as the five-year implementation section for the period of 2010 through 2015. This Amendment, as well as the previously approved 10-Year Water Management Plan Clay County Plan: 2005 to 2015 is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2010 Amendment of the Clay County Water Management Plan 2006-2015. Clay County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2015.

Dated at St. Paul, Minnesota, this **26th day of January 2011**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Grant County Water Plan Amendment

Meeting Date: January 26, 2011

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern Region
Contact: Pete Waller
Prepared by: Pete Waller
Reviewed by: Northern Water Planning Review Committee(s)
Presented by: Quentin Fairbanks

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Decision - Approval of the Grant County Water Plan Amendment

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

Grant County Amendment of the Local Water Management Plan - By Board Order, the Board of Water and Soil Resources approved the Grant County Local Water Management Plan on October 26, 2005. This Plan covers a ten-year period of 2005 to 2015 and contained a five-year implementation section through December 2010. The Board Order stipulated that the County be required to revise/update the implementation section for the period 2011 to 2015. The Board's Northern Water Planning Committee met on January 12, 2011 to review the Grant County Plan Amendment. The Committee recommends approval of the Plan Amendment. See attachments. DECISION ITEM.

I. Executive Summary

Overview of the Local Water Management Plan:

Grant County is fortunate to have an abundant supply of water for recreation, agriculture, industry, and home use. By planning now, we can offset problems and avoid situations that could be costly and difficult to control. If we do not take action to protect and manage our own resources, it is very likely we will find ourselves working with programs that are not necessarily responsive to the local needs and concerns. It is important that programs dealing with natural resource protection assure no one segment of the population bears the burden of protecting these resources. Local residents and those involved with water related issues in the county are in the best position to determine priorities and set direction to assure local issues are addressed in the Local Water Plan.

In 2005 Grant County updated the Local Water Management Plan (LWMP) in accordance with Minnesota Statutes 103B. The Plan, which remains in effect for a period of ten years (December 31, 2005 to December 31, 2015), was approved by the Minnesota Board of Water and Soil Resources on October 26, 2005 and the Grant county Board of Commissioners on November 2, 2005. The Grant Soil and Water Conservation District (SWCD), has formally adopted the Local Water Plan as the SWCD Comprehensive Plan.

Revision and Summary of the Five-Year Focus Plan:

This Amendment contains an updated Five-Year Focus Plan. The Grant County Environmental Advisory Council was delegated with the responsibility of overseeing the development of the new Five-Year Focus Plan. The Environmental Advisory Council conducted two meetings during the planning process to review and update the goals, objectives and actions addressed in the plan, as well as solicit input from the public, other local units of government, State and Federal agencies. While the original Priority Concerns for the 10-year plan have not changed, some action items have been deleted because they were completed and some action items have been added to address current issues and concerns. The Priority Concerns are listed below with a brief summary and estimated cost of the actions proposed to be implemented in the Five-Year Focus plan.

Description of Priority Concerns:

Information collected through public meetings and participation was analyzed and used to develop three priority concerns. The process used to collect this information and identify priority concerns is thoroughly described in the Priority Concerns Scoping Document in Appendix A. of the Grant County Local Water Management Plan 2005-2015. The three priority concerns identified to focus water management efforts in Grant County are as follows:

Priority Concern 1: Contaminated runoff from both urban and agricultural land entering surface waters.

Uncontrolled runoff from agricultural land and urban areas are contributing to the decline of surface water quality through sedimentation and nutrient loading of the counties streams, wetlands, lakes and rivers. Within the County, certain reaches of the Pomme de Terre, Chippewa, and Mustinka rivers are listed as impaired on the federal 303(d) list. A list containing the specific reaches and pollutant/stressors is located on the MPCA web site:

<http://www.pca.state.mn.us/index.php/water/water-types-and-programs/minnesotas-impaired-waters-and-tmdls/assessment-and-listing/303d-list-of-impaired-waters.html>.

Estimated cost-----\$486,000.00

Description of Priority Concerns: (continued)

Priority Concern 2: Excessive runoff water volumes from urban and agricultural land.

Excessive stormwater runoff volume from urban areas as well as agricultural areas is contributing to flooding problems in all watershed areas of the County. This problem is generally related to drainage management, and land use conversion.

Estimated cost-----\$225,000.00

Priority Concern 3: Management of shoreland areas and surface water use. Specifically, on natural environment lakes, rivers, and sensitive areas on recreational, and general development lakes.

Grant County has many shallow lakes located in the Chippewa, Pomme de Terre and Mustinka river watersheds. These lakes are beginning to experience development pressure as the availability of land on recreational lakes has diminished. Grant County recognizes the importance of establishing shoreland management ordinances and surface water use ordinances that adequately protects sensitive areas and natural environment lakes.

Estimated cost-----\$200,000.00

Summary of Goals and Actions:

The following is a summary of the goals and actions contained in the Grant County Local Water Management Plan to address the three priority concerns. This summary also provides a brief description of the accomplishments from 2005 to 2010. While it is difficult to determine the exact reduction in runoff volumes and pollutants, it is believed that these accomplishments have had a significant positive impact on the surface water resource. Utilizing RUSLE 2 it was determined that these accomplishments resulted in the following estimated reductions:

Estimated annual Sediment reduction-----333,428 tons/year
Estimated annual Phosphorus reduction-----212,908 pounds/year

Priority Concern 1: Contaminated runoff from both urban and agricultural land entering surface waters.

- Promote and implement vegetated buffers adjacent to all surface water resources.

ACCOMPLISHMENTS 2005 – 2010

Continuous Conservation Reserve Program (CCRP)

CP21-Filter Strip-----	13,447.6 acres
CP22-Riparian Buffer-----	391.8 acres
CP18C-High Salts-----	355.9 acres
<u>State Native Buffer program-----</u>	<u>51.0 acres</u>
<u>Lakeshore buffer projects (Pomme De Terre, Elk and Barrett lakes) -----</u>	<u>3 projects</u>

- Protect existing buffers adjacent to protected waters from development through the County Shoreland Ordinance.

ACCOMPLISHMENTS 2005-2010

Grant County Shoreland Ordinance

Revised August 2008 requires;

1. Maintenance or creation of buffer during the platting process on all new developments.
2. Maintenance, or creation, of a buffer on agricultural land as a result of grade/fill permit applications.
3. Requires 50 foot riparian buffer adjacent to shoreland as a condition of approval for subdivisions.

- Promote and implement agricultural Best Management Practices (BMP's) such as; conservation tillage and nutrient management on agricultural lands near surface water resources that have established vegetated buffers.

ACCOMPLISHMENTS 2005 – 2010

Environmental Quality Incentives Program (EQIP)

Nutrient management-----	28,500 acres
Conservation tillage-----	30,380 acres
Pest management-----	7,280 acres
Water and Sediment Control Basins-----	63 basins
Ag Waste closure-----	2 sites
Grazing systems -----	4 systems
Grassed waterways-----	4 acres

AgBMP Loan program

Low interest loans (\$513,500) for conservation tillage equipment-----16 loans

Continuous Conservation Reserve Program (CCRP)

CP38E-Back Forty Pheasant Habitat-----	718.1 acres
CP17A- Living Snow Fence-----	79.2 acres
CP16A-Farmstead Windbreak-----	208.4 acres
CP5A-Field Windbreak-----	326.3 acres
CP 8a Grassed Waterway-----	6.1 acres

- Encourage compliance with stormwater rules and ordinances by continuing public education and promotion of stormwater best management practices.

ACCOMPLISHMENTS 2005 – 2010

Grant County Shoreland Ordinance was revised August 2008 and requires; Subdivision approval process requires implementation of BMP's thru the approval process and site permitting for new construction.

35 lake shore owners attended a Rain Garden Workshop sponsored by Lake Associations on Pelican, Pomme de Terre, and Barrett lakes. 25 of these landowners have expressed an interest and desire to complete projects on their property when cost-share funding can be obtained.

Priority Concern 2: Excessive runoff water volumes from urban and agricultural land.

- Promote and implement the restoration of drained wetlands.

ACCOMPLISHMENTS 2005 -2010

Continuous Conservation Reserve Program (CCRP)

CP23A-Wetland Restoration and Buffer-----	2,479.4 acres
CP27/28-Farmed Wetland and Buffer-----	2,133.9 acres
CP37-Duck Nesting Habitat-----	534.8 acres

Wetland Reserve Program (WRP)

18 easements-----	1,212 acres
-------------------	-------------

RIM/WRP

4 easements -----	370 acres
-------------------	-----------

Grant County Shoreland Ordinance

Wetland restorations are encouraged but not required during plat review process.

- Promote the installation of stormwater retention basins when more than an acre of impervious surface is constructed.

ACCOMPLISHMENTS 2005 -2010

Grant County Shoreland Ordinance revised August 2005 requires MPCA stormwater rules are implemented on all construction activities with more than an acre of impervious surface.

Priority Concern 3: Management of shoreland areas and surface water use. Specifically on natural environment lakes, rivers, and sensitive areas on recreational and general development lakes.

- Protect and improve water quality, and fish and wildlife habitat of protected surface water resources by initiating a process to reclassify lakes or portions of lakes where appropriate and clearly defining and mapping sensitive areas.

ACCOMPLISHMENTS 2005 -2010

The Grant County Protected Waters Inventory map was amended. The Not Shoreland Classified Lakes (NOTSL) are now included as Natural Environment Lakes under the Grant County Shoreland Ordinance. In addition, several lakes were reclassified from General Development or Recreational Development to Natural Environment Lakes. Bays on Recreational and General Development Lakes were also reclassified as Natural Environment. A map containing these changes can be found in the Grant County Shoreland Zoning Ordinance.

- Identify and implement a process of enacting surface water use regulations on selected lakes and or portions of lakes and rivers.

Ongoing Programs:

Grant County continues to administer several programs that are vital to achieving the goals set forth in the Local Water Plan, including those related to floodplain and shoreland management, solid waste management, subsurface sewage treatment systems and the Wetland Conservation Act (WCA). Annual E-link reports are completed for the above programs that provide grant funding through the Natural Resources Block Grant (NRBG). The continued funding through the NRBG will be vital in achieving the goals objectives and actions that have been identified in the Five-Year Implementation Plan.

The Grant SWCD, Office of Land Management, NRCS, and FSA continue to work as a partnership to improve water quality and reduce excessive runoff in Grant County. These efforts and achievements are possible due to good working relations and by implementing such conservation programs as: State Cost-Share, CCRP, CSP, EQIP, RIM/WRP, WCA, Shoreland management, and the AgBMP Loan program.

Recommendations to Other Plans and Official Controls:

1. The Grant County Environmental Advisory Council recommends statewide revision of the Shoreland Regulations. While Grant County recognizes that they can adopt a more restrictive County Shoreland Ordinance that adequately protects shallow lakes and sensitive areas, it would provide greater consistency for the state to provide a minimum statewide standard that adequately addresses water quality, and fish and wildlife issues created by the unforeseen development of natural environment lakes and sensitive areas on recreational and general development lakes.
2. The Grant County Environmental Advisory Council recommends that the State of Minnesota through the Department of Natural Resources review laws and policies related to the permitting of aqua-cultural activities in wetlands and natural environment lakes. Specifically, it is believed that it is inappropriate to issue a permit for this use without proper notification and input from all riparian landowners and local officials.

Recommendations to Other Plans and Official Controls: (continued)

3. The current Total Maximum Daily Load (TMDL) process is too complex and not understandable by the general population. MPCA and State Policy makers need to come to understand that if actual improvements are to be made in water quality it will be the result of landowners changing land use practices and installing best management practices on their property, with the assistance of local agencies. The current process adopted by MPCA to determine and address impairments is too complex for many landowners and local officials to understand. If landowners are not able to understand why they are being asked to change land use practices it is unlikely that they will implement best management practices.
4. Since 2002 there has been a sizeable decline in state funding to local units of government for water quality protection projects through Natural Resource Block Grants to County's and General Service funds and State Cost-Share funds to SWCD's. Grant County recognizes the need to protect these valuable resources and has made significant investments of local funds in this effort. Grant County also recognizes that the benefits of improved water quality are shared by all of the residents of the State of Minnesota. If Grant County and the State of Minnesota are going to be successful in accomplishing the goal of improving water quality the State of Minnesota needs to accept a greater share of the financial burden. The Grant County Environmental Advisory Council recommends that the BWSR Board work with the state legislature and Governors office to insure that the state of Minnesota provides increased funding to local units of government through the NRBG, General Service and State cost-Share programs.
5. Grant County recommends that State and Federal agencies that are utilizing TMDL impairment data as a tool for program participation become familiar with this information so agencies are using the same impairment information as MPCA is providing to County's and posting on the MPCA web site. It is not appropriate for local agencies to be telling landowners that they have land located in a watershed that contributes to impaired waters based on MPCA information and then have another state or federal agency refute that information. This issue has been specific to the scoring on RIM/WRP projects in Grant County. All state, local and federal resource agencies need to be on the same page if we are going to be successful in improving water quality through the TMDL process.
6. Grant County recommends that BWSR add a requirement to the water planning process that calls for the appropriate State agency or other entities to respond to the issues brought forward under this section "Recommendations to Other Plans and Official Controls".

II. Goals and Objectives

Priority Concern 1:

Contaminated runoff from both urban and agricultural land entering surface waters.

Objectives and Actions

Objective A

Encourage and promote urban and agricultural land use practices to protect surface water resources.

Actions

1. Promote the use of existing federal, state and local conservation programs that reduce soil erosion and sedimentation through the establishment of buffer strips, wetland restorations, field windbreaks, and grassed waterways.

Estimated cost:-----\$350,000.00

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Amendment
for **Grant County** (Minnesota Statutes, Section 103B.314,
Subdivision 6)

ORDER
APPROVING
LOCAL WATER
MANAGEMENT PLAN
AMENDMENT

Whereas, on October 26, 2005, the Minnesota Board of Water and Soil Resources, by Board Order, approved the Grant County Local Water Management Plan; 2005 through 2015 with a Implementation Program for 2005–2010; and

Whereas, this Board Order stipulated that Grant County was required to amend the implementation section to cover the five year period of 2011-2015; and

Whereas, the Grant County Board of Commissioners submitted the Grant County Local Water Management Plan Amendment 2011 to 2015 to the Board on November 15, 2010; and

Whereas, this Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the Grant County Local Water Management Plan Amendment.

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. On May 12, 2009 Board staff provided information on the amendment process to Grant County.
2. On May 27, 2009, the Board received a May 19, 2009 resolution from Grant County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.
3. On February 16, 2009, Grant County provided proper notice to local units of government and state agencies of the county's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.
4. On February 24, 2010, Grant County convened its Water Plan Task Force to initiate the five-year implementation section update. Several additional meetings were conducted.
5. Grant County received written comments from the Minnesota Pollution Control Agency and the Minnesota Board of Water and Soil Resources to be considered while developing the amendment. No other state agency or local government unit provided written comments at this point to Grant County.
6. On November 15, 2010, the Amendment 2011 to 2015, which was developed by Grant County and includes a revised 2011 to 2015 five-year implementation section, was submitted to the required state review agencies.

7. Recommendations of the state review agencies were:
 - a. Minnesota Department of Agriculture: no recommendation received;
 - b. Minnesota Department of Health: no recommendation received;
 - c. Minnesota Department of Natural Resources: recommends approval;
 - d. Minnesota Pollution Control Agency: recommends approval;
 - e. Minnesota Environmental Quality Board: no recommendation received;
 - f. Minnesota Board of Water and Soil Resources regional staff: recommends approval;
8. On November 24, 2010, after providing for proper public notice, Grant County conducted a public hearing on the proposed Amendment. No additional comments were submitted at the hearing.
9. On December 9, 2010, BWSR received the Grant County Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the Amendment, pursuant to M.S. Section 103B.314, Subd. 6.
10. On January 12, 2011, the Board's Northern Regional Water Planning Committee reviewed the Grant County Plan Amendment, pursuant to 103B.301 and guidelines established by the Board.
11. Board regional staff provided its recommendation of approval to the Committee.
12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.
13. This Amendment will be in effect until December 31, 2015.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Grant County pursuant to Minnesota Statutes, 103B.314, Subd. 6.
2. The Grant County Plan Amendment attached to this Order states goals, objectives, and actions the county will address as the five-year implementation section covering 2011 through 2015. This Amendment, as well as the previously approved 10-Year Water Management Plan Grant County Plan: 2005 to 2015 is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached Amendment of the Grant County Local Water Management Plan Amendment 2011 to 2015. Grant County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2015.

Dated at St. Paul, Minnesota, this **26th day of January, 2011.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: North Fork Crow River WD Plan Approval

Meeting Date: January 26, 2011

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern
Contact: Jason Weinerman
Prepared by: Jason Weinerman
Reviewed by: Northern Water Planning Committee(s)
Presented by: Quentin Fairbanks

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Approval of the updated 10 year North Fork of the Crow River Watershed District Plan

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

In 1985, the BWSR established the North Fork of the Crow River Watershed District. The District's initial plan was approved by the board in 1987. This is the first update of the watershed district plan.

The BWSR received the plan in August of 2010. Following the arrival of the plan, a legal notice of filing was submitted to several area newspapers and mailings of the notice of filing were also sent to the appropriate county auditors, administrators, soil and water conservation districts, and cities within the watershed district. The Department of Natural Resources had no comments or objections to the plan. No other comments were received.

The Watershed District Plan was presented to the Northern Water Planning Committee on January 12, 2011. As the Plan met state statutes, the recommendation from the Committee was to approve the plan for forwarding onto the BWSR Board for approval.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

In the Matter of prescribing a Revised Watershed
Management Plan for the **North Fork Crow River**
Watershed District pursuant to Minnesota Statutes
Sections 103D.405

ORDER
PRESCRIBING
WATERSHED MANAGEMENT
PLAN

Whereas, the Board of Managers of the North Fork Crow River Watershed District (NFCRWD) filed a proposed Revised Watershed Management (Plan) dated August 2010 with the Board of Water and Soil Resources (Board) on August 10, 2010 pursuant to Minn. Stat. § 103D.405, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order.

FINDINGS OF FACT

1. **District Establishment.** The District was established on May 10, 1985 by Order of the Minnesota Water Resource Board. The District is located in the central portion of Minnesota and includes parts of Kandiyohi, Meeker, Pope, and Stearns Counties. The mission of the District is to improve and enhance water quality, to control water flow, to reduce erosion and sedimentation, to promote wise public, private and natural use of water, and enhance and preserve public and private drainage.
2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board in 1987. The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management.
3. **Nature of the Watershed.** The North Fork of the Crow River Watershed covers that land that is drained by the North Fork of the Crow River, which begins in headwaters of Grove Lake (Pope County) and ends at the junction of the North Fork and the Middle Fork of the Crow River. There are 14 lakes in the watershed district, the largest three being Grove Lake,

Lake Koronis, and Rice Lake. There are four municipalities and several unincorporated communities that lie within the watershed. Paynesville is the largest city and the district office is located in Brooten. The district is primarily agricultural although there is some development around the larger lakes. A significant portion of the district is legally drained and these legal drains are in a variety of states of repair.

4. **Territory.** The NFCRWD is approximately 348 square miles in size and is located in central Minnesota. Lands within the District are distributed in the following counties: Stearns (64%), Pope (15%), Kandiyohi (12%), and Meeker (9%).
5. **Local Review.** The NFCRWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405.
6. **Department of Natural Resources Review.** The DNR has no objections or comments to the Plan.
7. **Department of Agriculture Review.** Not required by law to review.
8. **Department of Health Review.** Not required by law to review.
9. **Pollution Control Agency Review.** Not required by law to review.
10. **Other review comments.** There were no other comments received by NFCRWD or the BWSR.
11. **Highlights of the Plan.** As the last district plan was approved over 20 years ago, the current plan provides a good summary of much of the activities and projects in which the district has participated. The plan has identified four goals that should help the district focus on priority items as determined by the board with input from local stakeholders. Under each of these broad goal statements, the district has identified many components, which are further broken by priorities that will direct district efforts. One of the challenges the district faces is balancing the role of serving as the ditch authority with the requirement to move water efficiently and the role of water quality protector. The plan strikes this balance by including ditch management guidelines that will maintain an effective ditch system with best management practices that keep ditches stable and minimize the contribution of pollutants to the surface waters. Finally, the plan and the district board realize that they need to include the larger public in the issues of watershed management and have included specific sections that detail how this public engagement requirement will be met.
12. **Hearing Notice.** The Legal Notice of Filing on the Plan, pursuant to Minn. Stat. § 103D.105 Subd. 2, was published in the Pope County Tribune on October 25, 2010, in the Paynesville Press on October 27, 2010, in the West Central Tribune on October 27, 2010, and in the Bonanza Valley Voice on October 28, 2010. Further, a copy of the notice of filing

was mailed to several addresses notifying them of the legal notice of filing, including the Stearns, Pope, Kandiyohi, and Meeker County Auditors, Administrators, and Soil and Water Conservation Districts; all of the cities within the watershed district; and representative for the Watershed District.

13. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103D.105 Subd. 2, which requires within 30 days of the last date of publication of the Notice of Filing of the Revised Water Management Plan that a least one request for hearing be received by the Board before a hearing will be held. No request for hearing and no comments were received during the specified period of time and no hearing was held.
14. **Board Staff Report.** The North Fork of the Crow River Watershed District Board and staff held several meetings with the public and members of the local lake associations to develop the recommendations with this overall watershed district plan. In addition, the staff worked with their Board Conservationist to insure that the plan was in compliance with state statute and met the needs of current grant program and opportunities. This overall plan of the North Fork of the Crow River Watershed District meets the requirements of 103D.405 and follows the guidelines provided by the Board of Water and Soil Resources.
15. **North Region Water Plan Review Committee.** The committee met on January 12, 2011 those in attendance from the Board's Committee were Quentin Fairbanks, Brian Napsiad, Gene Tiederman, Paul Brutlag, Keith Mykleseth. Board staff in attendance were Ron Shelito, Dan Steward, Pete Waller, Jason Weinerman. Board staff recommend approval of the plan. After discussion, the subcommittee unanimously voted to recommend approval of the Plan.

CONCLUSIONS

1. The proposed Revised Plan is valid in accordance with Minn. Stat. § 103D.405.
2. Proper notice of filing was given in accordance with applicable laws.
3. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
4. The Board has proper jurisdiction in the matter of approving a Plan for the NFCRWD pursuant to Minn. Stat. § 103D.405.
5. The attached Plan is in conformance with the requirements of Minn. Stat. Chapter 103D, Board guidelines for Watershed District Plan content, and is consistent with the affected counties' comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan dated August, 2010 as the Revised Watershed Management Plan for the North Fork Crow River Watershed District.

Dated at Saint Paul, Minnesota this 26th day of January, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brain Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Todd County Local Water Plan Approval

Meeting Date: January 26, 2011

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☐ Decision ☐ Discussion ☐ Information
Section/Region: Northern
Contact: Jason Weinerman
Prepared by: Jason Weinerman
Reviewed by: Northern Water Planning Committee(s)
Presented by: Quentin Fairbanks

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☒ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

Approval of Todd County's Comprehensive Local Water Management Plan

SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The 4th generation of the Todd County Local Water Management plan is due to expire on December 31, 2011. The County passed a resolution to begin the plan update process on October 20, 2009. The priority concerns scoping document was routed to the state agencies during the week of February 14, 2010. Comments were received and reviewed by BWSR.

On June 16th, the Northern Water Planning reviewed the PCSD and recommended approval by the Board. On June 23rd, the BWSR approved the Priority Concerns with the comments provided by the Northern Water Planning Committee.

The Todd County Comprehensive Water Plan was submitted to BWSR and routed to the state agency partners who provided comments in support of the plan. The County Water Planner presented the plan before the Northern Water Planning Committee on January 12th. Following the presentation, the review committee voted to recommend approval by the full Board. Mr. Fairbanks will bring the committee recommendation before the full board.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Update
for **Todd County** (Minnesota Statutes , Section 103B.311,
Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER
APPROVING
LOCAL
WATER MANAGEMENT
PLAN UPDATE

Whereas, the **Todd County** Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on **November 15, 2010** pursuant to M.S. Section 103B.315, Subd. 5, and

Whereas, the Board has completed its review of the Plan Update;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

- 1) On **February 14, 2010**, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from **Todd County**, pursuant to M.S. Section 103B.312.
- 2) On **June 23, 2010**, the Board of Water and Soil Resources approved official comments on the **Todd County** Priority Concerns Scoping Document, which were mailed to the county on **June 23, 2010**.
- 3) The priority concerns the local water management plan addresses include:
 - A) Groundwater Quality and Quantity
 - B) Surface Water Quality and Quantity
 - C) Land Use Impacts
- 4) On **November 16, 2010**, the BWSR received the **Todd County** Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 5) On **January 12, 2010**, the Northern Water Planning Committee of the board reviewed the recommendation of the state review agencies regarding final approval of the **Todd County** Plan Update . Recommendations of the state review agencies were:
 - A) Minnesota Department of Agriculture recommends Approval
 - B) Minnesota Pollution Control Agency recommends Approval
 - C) Minnesota Department of Health recommends Approval
 - D) Minnesota Board of Water and Soil Resources regional staff recommends Approval
 - E) Board Northern Water Planning Committee Meeting recommends Approval
- 6) This update will be in effect until **January, 2016**.

CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of **Todd** County pursuant to Minnesota Statutes , 103B.315, Subd. 5.
2. The **Todd** County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached update of the **Todd** Local Water Management Plan **January 26, 2011 to January 31, 2016** with the Goals, Objectives and Action Items being amended at that time.

Dated at **St. Paul**, Minnesota, this **twenty sixth day of January, 2010**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Wetland Committee

1. Local Government Roads Wetland Replacement Program Project Selection – Dave Weirens and Dan Girolamo – ***DECISION ITEM***
2. 2011 Wetland Bank Fee Policy – Dave Weirens and Natasha DeVoe – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

LGRWRP Project Selection

Meeting Date: January 26, 2011

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section

Contact: Dave Weirens

Prepared by: Dan Girolamo

Reviewed by: Wetland Committee Committee(s)

Presented by: Dave Weirens, Dan Girolamo

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input checked="" type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| | <input type="checkbox"/> Clean Water Fund Budget |
| <input type="checkbox"/> Other: _____ | |

ACTION REQUESTED

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

The Local Government Roads Wetland Replacement Program is in response to a state statutory obligation to replace wetlands lost due to safety improvements made to public transportation projects as required under M.S. sec. 103G.222 subd.1 (1). The program routinely receives bonding appropriations to fund wetland restoration projects which generate wetland credits used to meet the replacement demand from local road authorities. In 2010, the program received 2.5 million to complete restoration projects resulting in the formation of a staff work group tasked with developing a process to solicit projects. Since June of 2010, the work group met on several occasions to develop and implement a process to identify high quality restoration projects that meet program needs. This agenda item is needed to obtain Board approval for three wetland restoration project proposals; two in Carver County and one in Wilken County, with an estimated budget of 2.0 million dollars.

The Board's Wetland Committee met on January 12, 2011, and recommends approval consistent with the staff proposal. A resolution and supporting information consistent with the Committee's recommendation will be provided next week.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Wetland Bank Fee Policy

Meeting Date: January 26, 2011

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section

Contact: Dave Weirens

Prepared by: Natash Devoe, Dave Weirens

Reviewed by: Wetland Committee Committee(s)

Presented by: Dave Weirens, Natasha Devoe

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

☐ None

☒ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

BWSR by statute operates the Wetland Banking Program. The purpose of the wetland bank is to establish a way for citizens with available land to establish a wetland bank that can be sold to parties needing credits for replacement. Commonly those with the credit need are builders and developers who are building in an area where a wetland is impacted and therefore needs to be replaced. These two parties complete a wetland credit purchase transaction that generates one or more fees established by Minnesota Statute 103G.2242, Subdivisions 14 and 15. The fee amount is based on the actual purchase price with the minimum credit value being the calculated value as identified in the subject policy.

The credit value table within the wetland banking fee policy is a summary of the calculated values by county. The current table was last revised in 2008 and needs to be updated to reflect current values consistent with those documented in 2010. The current table also used average assessed tillable land values, and in some cases land use surrogates, if tillable land data was unavailable in a particular county. The proposed fee policy update uses data from the Minnesota Department of Revenue that better reflects the assessed values, by county, for parcels commonly used as wetland replacement sites. This improved data will generate a more realistic credit value, and in turn, a more realistic fee. Board approval of the revised fee policy is requested.

The Board's Wetland Committee met on January 12, 2011, and recommends approval of the updated valuation method. A resolution and supporting information consistent with the Committee's recommendation will be provided next week.

NEW BUSINESS

1. Minnesota Prairie Region Conservation Plan – Steve Chaplin, The Nature Conservancy – ***INFORMATION ITEM***
2. Performance Review and Assistance Program (PRAP) Annual Legislative Report – Don Buckhout – ***DECISION ITEM***
3. Local Government Water Roundtable - Representatives from AMC, LMC, MASWCD and/or MAWD – ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Minnesota Prairie Region Conservation Plan

Meeting Date: January 26, 2011

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: _____

Contact: John Jaschke

Prepared by: John Jaschke

Reviewed by: John Jaschke Committee(s) _____

Presented by: Steve Chaplin, The Nature Conservancy

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ Other: _____

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

ACTION REQUESTED

INFORMATION ITEM

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Steve Chaplin, The Nature Conservancy, will present information on the Minnesota Prairie Region Conservation Plan.

Minnesota Prairie Landscape Conservation Plan 2010

December 22, 2010

Executive Summary

Minnesota's conservation partners in the Prairie Region of the state collaborated to develop a twenty-five year strategy for accelerating conservation. This strategy was precipitated by several factors:

1. Continuing loss and degradation of prairies, grasslands, wetlands and associated habitats, and the fish and wildlife dependent upon them.
2. An acknowledged need to better coordinate between programs and organizations to maximize efficiency.
3. Tremendous opportunities provided by the passage of the Clean Water, Land and Legacy Amendment by voters in 2008 that will provide significant conservation funding through 2034.

The plan calls for three approaches to conservation in the Prairie Region of the state. First, core areas with a high concentration of native prairie, other grasslands, wetlands, and shallow lakes were identified. Within these areas, partners will work to ensure a minimum of 40% grassland and 20% wetland, with the remainder in cropland or similar uses. Second, habitat corridors connecting core areas were designed that include grassland/wetland complexes nine square miles in size at about six mile intervals along the corridors. Within the corridor complexes a goal of 40% grassland and 20% wetland was set and for the remainder of the corridors, 10% of each legal land section is to be maintained in permanent perennial cover. Third, in the remainder of the Prairie Region a goal to maintain 10% of each Land Type Association in perennial native vegetation was established. The existing Wildlife Management Area Plan, Pheasant Plan, Duck Plan and other resource plans provided guidance in setting goals for protection, restoration and enhancement in each conservation approach. The overall Prairie Region-wide habitat goal is to protect and restore a total of 204,000 acres of native prairie and 2.0 million acres of grassland and savanna along with a total of 1.3 million acres of wetlands and shallow lakes.

Using this framework, we propose the following:

1. Permanent protection of native prairies, wetlands and other habitats (including land to be restored): 225,800 acres in core areas, about 86,100 acres in corridors, and 550,600 acres elsewhere.
2. Restoration activities on grasslands, wetlands and other habitats: 179,900 acres in core areas, 90,000 acres in corridors, and 250,900 acres elsewhere.
3. Enhancement of prairies and grasslands via prescribed fire, conservation grazing, haying and invasive species control: 99,400 acres annually in core areas, 41,800 acres annually in corridors,

and 332,300 acres elsewhere. Enhancement of 334,100 acres of existing wetlands and shallow lakes through control of invasive species and intensive water level management is also included.

4. Incorporation of conservation into “working lands” so that some conservation lands contribute directly to local economies (e.g., “grass-based” agriculture) and agricultural lands have adequate conservation applied to them using the full range of conservation practices).

Partners established organizational goals and cost estimates associated with these outcomes. The overall cost from all sources of the actions described in this plan is \$3.6 billion. Given that certain activities will be accomplished with “traditional” funding sources, partners anticipate a need of \$1.1 billion from the Outdoor Heritage Fund over the next 25 years to achieve desired outcomes.

Acknowledgements

Members of the Minnesota Prairie Plan Working Group who were responsible for developing this plan included:

Marissa Ahlering, The Nature Conservancy
Steve Chaplin, The Nature Conservancy
Carmen Converse, MN Dept. of Natural Resources
Meredith Cornett, The Nature Conservancy
Ryan Drum, US Fish and Wildlife Service
Neal Feeken, The Nature Conservancy
Jason Garms, MN Dept. of Natural Resources
Diane Granfors, US Fish and Wildlife Service
Fred Harris, MN Dept. of Natural Resources
Greg Hoch, MN Prairie Chicken Society
John Jaschke, MN Board of Water and Soil Res.

Matt Holland, Pheasants Forever
Tom Landwehr (Facilitator), The Nature Conservancy
Tom Larson, US Fish and Wildlife Service
Jim Leach, US Fish and Wildlife Service
Kevin Lines, MN Board of Water and Soil Resource
Clint Miller, The Conservation Fund
Mary Mitchell, US Fish and Wildlife Service
Darby Nelson, Lessard Sams Outdoor Hert. Coun.
Ray Norrgard, MN Dept. of Natural Resources
Bill Penning, MN Dept. of Natural Resources

The chief author and editor of this plan was Steve Chaplin. Rich Johnson oversaw the GIS analysis and cartography work with assistance from Bruce Gerbig, Jared Smith, Jeff Carroll, and Liza Hernandez. Ryan Drum and Diane Granfors from the USFWS HAPET Office provided the corridor pathway analysis. Most of the basic data used in this plan was developed by the Minnesota Department of Natural Resources especially the Minnesota County Biological Survey.

An anonymous foundation provided financial support for the development of this plan.

For additional copies of this plan, contact The Nature Conservancy, 1101 West River Parkway, Suite 200, Minneapolis, MN 55415-1291

Suggested Citation

Minnesota Prairie Plan Working Group. 2010. Minnesota Prairie Landscape Conservation Plan 2010. Minnesota Prairie Plan Working Group, Minneapolis, MN. 55p.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

PRAP Annual Legislative Report

Meeting Date: January 26, 2011

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Regional Operations-PRAP

Contact: Don Buckhout

Prepared by: Don Buckhout

Reviewed by: _____ Committee(s)

Presented by: Don Buckhout

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☒ Resolution ☐ Order ☐ Map ☒ Other Supporting Information

Fiscal/Policy Impact

☒ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ Other: _____

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

ACTION REQUESTED

Board Approval of Report

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

DRAFT 2011 Performance Review and Assistance Program (PRAP) Legislative Report-

The fourth annual PRAP Report to the Legislature contains a summary of BWSR's review of LGU performance during the past year to help make the local delivery system for conservation projects and programs the best it can be. The report presents the 2010 accomplishments compared to program objectives set in last year's report. It highlights results from a basic review (Level I) of all 244 LGUs' performance and contains summaries of the in-depth reviews (Level II) of eight LGUs. There is a list of program objectives for 2011. A draft of this report has been reviewed by the Board's Public Relations, Outreach and Strategic Planning Committee. The recommendation for Board approval comes from the Administrative Advisory Committee and is timed to meet a February 1 due date for report submittal to legislative environmental resource committees in both the house and senate, as required by state statute (M.S. 103B.102, subd. 3).

Executive Summary

PRAP: Year 3

The Board of Water and Soil Resources (BWSR) has implemented its Performance Review and Assistance Program (PRAP) for three years. While all of the legislatively mandated elements are in place and functioning, because of funding limitations BWSR has been able to conduct detailed performance reviews for only 16 percent of the original goal of 49 local government entities per year. These local government entities are Minnesota's soil and water conservation districts (SWCDs), watershed districts (WDs), watershed management organizations (WMOs) and counties that comprise the local system that BWSR relies on to deliver its conservation programs on the landscape.

2010 PRAP Activity Summary

Level I Performance Review

- BWSR maintained and expanded the PRAP web accessible database of all 244 local government units (LGUs) in the local delivery system
- SWCD long-range plans are current
- County local water plans are current, but some metro counties' optional groundwater plans are due for updates
- 2010 saw a reduction in overdue WD and WMO plan updates
- several local drainage authorities failed to comply with ditch buffer reporting requirements.

Level II Performance Reviews

- the PRAP program coordinator, with field staff assistance, conducted detailed reviews of 8 LGUs' plan implementation performance and operational effectiveness
- performance standards were refined based on usefulness as indicators

- BWSR convened a select panel of hydrologists for advice on the best streamflow parameters for tracking watershed management effectiveness

Level III Review and Assistance

- BWSR staff provided guidance and assistance to one LGU regarding internal management issues.

Other Assistance

- During Level II reviews LGUs identified training needs that were referred to BWSR's training program coordinator for follow-up.

Reporting

- PRAP webpage and LGU searchable database were maintained and expanded.

PRAP Program Accountability

BWSR met most of its own performance standards for PRAP in 2010. BWSR remains committed to being accountable for how well PRAP is administered.

The LGU Delivery System: How is it Working?

Three years of detailed PRAP performance review, although limited in scope, has detected certain trends that may apply system-wide and indicate the challenges BWSR faces in its oversight role to help those entities to be the best they can be.

- many LGUs are preoccupied with current funding instability
- plan objectives related to groundwater are challenging to accomplish and measure.

Objectives for 2011

BWSR will maintain current levels of LGU review and explore methods for self-motivation of LGU performance enhancement.

Performance Review and Assistance Program 2011 Report to the Minnesota State Legislature

WHEREAS, the 2007 Legislature designated that funds appropriated to the Board of Water and Soil Resources be used for developing and implementing a program to evaluate and report on the performance of each local water management entity; and

WHEREAS, a program for reviewing performance, offering assistance, and reporting results, now called the Performance Review and Assistance Program (PRAP) was developed in consultation with stakeholders, and

WHEREAS, the program has been implemented to the extent of current resources and capabilities, and

WHEREAS, according to Minnesota Statutes Chapter 103B.102, Subdivision 3, beginning February 1, 2008, and annually thereafter, the Board shall provide an analysis of local water management entity performance to the chairs of the House and Senate committees having jurisdiction over environment and natural resources policy, and

WHEREAS, the fourth annual PRAP report to the legislature contains a summary of the results of local water management entity performance review conducted by BWSR staff in 2010 and a summary of findings regarding the performance of local water management entities, and

WHEREAS, the fourth annual PRAP report to the legislature was reviewed by the Public Relations, Outreach and Strategic Planning Committee in January 2010 and by the Administrative Advisory Committee of the Board on January 26, 2011,

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources hereby adopts the attached Performance Review and Assistance Program Report to the Minnesota Legislature dated February 2011, with allowance for any minor editing modifications necessary for publication, for transmittal to the Legislature and release to the general public.

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Date: _____



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Local Government Water Roundtable

Meeting Date: January 26, 2011

Agenda Category: ☐ Committee Recommendation ☒ New Business ☐ Old Business

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: _____

Contact: John Jaschke

Prepared by: John Jaschke

Reviewed by: John Jaschke Committee(s)

Representatives of AMC, LMC, MASWCD,

Presented by: MAWD

☐ Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: ☐ Resolution ☐ Order ☐ Map ☐ Other Supporting Information

Fiscal/Policy Impact

☐ None

☐ Amended Policy Requested

☐ New Policy Requested

☐ General Fund Budget

☐ Capital Budget

☐ Outdoor Heritage Fund Budget

☐ Clean Water Fund Budget

☐ Other: _____

ACTION REQUESTED
INFORMATION ITEM

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

Additional information at: <http://www.mnlocalgovernmentroundtable.com/index.html>